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(Published in The Daily Reporter on)

Ordinance NO. \_\_\_\_

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

**24.04.010 Title.**

This chapter shall be known as the sign ordinance of the city of Wichita, Kansas. (Ord. No. 40-963 (part))

**24.04.020 Purpose.**

The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their location and design, are harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to provide an opportunity to achieve a reasonable balance between the need of the sign and outdoor advertising industries while improving and preserving the visual qualities of the community; to protect public and private investment in buildings and open spaces; to provide for the administration of the regulations imposed and set forth herein; and to promote the public health, safety and general welfare. (Ord. No. 40-963 (part))

**24.04.030 Applicability.**

The provisions of this chapter shall apply to the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting, use, location and maintenance of all signs located out-of-doors, to those signs painted on any part of a building, and to those signs placed within a building for the express purpose of being visible from the exterior of the building. No sign shall be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting that would be contrary to the provisions of this code. The provisions herein contained shall be considered together with the sign, building and electrical codes of the city, and shall particularly regulate the size, height and type of signs otherwise permitted. (Ord. No. 40-963 (part))

**24.04.040 Exemptions from this chapter.**

The provisions of this chapter shall not apply to:

1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property; provided, however, any emblem shall be used only as an identifying symbol and shall not include advertising language;
2. Signs, not exceeding six square feet in area, of a duly constituted governmental body, including directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs;
3. Memorial signs and tablets displayed on private property;
4. Address numerals and other signs required to be maintained by law or governmental order, not exceeding two square feet in area;
5. Window displays and temporary on-site signs placed in or upon windows of a commercial or industrial building, whether painted or attached;

6. Signs designed as an integral part of vending machines and dispensing equipment, signs which are an integral part of merchandise display racks, and similar merchandise and advertising displays. All such signs included in this exception shall be located within eight feet of the building and not on public right-of-way; provided, however, such signs located on service station properties may also be located on, or immediately adjacent to, the service islands. This provision shall in no way be deemed to permit the display or storage of merchandise, vending machines or equipment not otherwise permitted by the provisions of this code;

7. Signs authorized as special displays under Section 24.04.240 of this chapter;

8. Temporary decorations or displays located on private property celebrating the occasion of traditionally accepted patriotic or religious holidays;

9. Signs on a truck, bus, trailer or other vehicle while operated in the normal course of a business which is not primarily the display of such signs;

10. Scoreboard structures in athletic stadiums, the face of which is not visible from any residence or public street. (Ord. No. 40-963 (part))

#### **24.04.050 Permits required.**

Except as otherwise provided in this chapter, it is unlawful for any person to place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting, a sign within the city without first obtaining a permit from the superintendent of central inspection who shall issue permits for the following:

(a) Permanent Sign Permit. This permit shall be required for all new permanent signs erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, or for signs altered to increase the height or area. A permanent sign permit shall not have an expiration date.

(b) Temporary Sign Permit. The owner of any temporary sign shall obtain a temporary sign permit under the conditions set forth by Section 24.04.070. Temporary sign permits shall have an expiration date and shall be valid only for the duration of time noted on the permit and subject to Sections 24.04.230 and 24.04.235 and all the other applicable provisions of the city ordinances.

(c) Exemption from Permits and Fees. All provisions of this chapter shall apply to the following signs, except that permits or permit fees shall not be required for:

(1) Temporary, non-illuminated, real estate signs, not more than eight square feet in area, advertising the sale, lease or rental of the premises on which the sign is located;

(2) Political signs not exceeding six square feet in area, provided such signs shall not be more than five feet in height and shall not be located closer than six feet to a side property line; and, provided further that prior to December 1, 1990, such signs may be a maximum of thirty-two square feet in size;

(3) Nameplate signs not exceeding two square feet in area accessory to a Dwelling;

(4) Temporary on-site signs in conjunction with licensed miscellaneous sales, not exceeding two square feet in area, and located on private property;

(5) Special displays as set forth in Section 24.04.240;

(6) Directional on-site signs, not exceeding three-square feet in area;

(7) Identification and nameplate signs, not exceeding three square feet in area, that are painted or attached to the windows, doors or walls of a building;

- (8) Special event announcement signs as set forth in Sec. 24.04.190;
- (9) Commercial balloon signs not exceeding five square feet in area as measured at the largest cross-section. (Ord. 43-717)

#### **24.04.060 Permit application and issuance.**

(a) Application for permits shall be made to the superintendent of central inspection upon forms provided by the city and shall be accompanied by such information as may be required to assure compliance with all appropriate regulations. This may include drawings indicating the sign legend or advertising message, location, dimensions, construction and structural design. If the superintendent of central inspection deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

(b) The superintendent of central inspection shall issue a permit for a sign when an application therefore has been made and the sign complies with all applicable regulations of the City.

(c) A permanent sign permit issued under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty days or more at any time after the work is commenced.

The superintendent of central inspection may grant extensions to these time limitations when a request is made in writing due to unusual circumstances. Before such work can be commenced or resumed thereafter, a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit for such work; provided no changes have been made in the original design of the sign, and provided further that such suspension or abandonment has not exceeded one year.

(d) Only licensed and bonded sign hangers may place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting any sign requiring a permit.

#### **Exceptions:**

(1) Temporary signs set forth in Section 24.04.230, except for commercial balloon signs, provided that the superintendent of central inspection may require such a sign hanger when the location or nature of such sign requires such sign hanger in the determination of the superintendent;

(2) Maintenance and repairing of existing signs by the owner when no structural changes are made to a sign;

(3) Portable signs.

(e) No permit for a sign issued under this chapter shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

(f) No permit shall be issued for a new sign or the reconstruction, relocation or expansion of a nonconforming sign, when the issuance of the permit would be contrary to applicable regulations. (Ord. 43-717)

#### **24.04.070 Permit fees.**

The fee as set forth in this section must be paid to the City before any such permit is issued. Every sign, except those signs exempt from these regulations by Section 24.04.040 or from permits by Section 24.04.050, requires a permit. The fees set forth in this section

may hereafter be modified by such fee schedule as may be established by resolution of the governing body. Such new or modified fees shall become effective upon publication.

**(a) Permanent Sign Permit Fee.**

(1) For each permanent sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee shall be twenty-five dollars, plus six dollars per each ten square feet in gross surface area or fraction thereof.

(2) For each existing permanent sign that is altered to increase the area or height of the sign, a sign permit fee of twenty-five dollars plus six dollars per ten square feet of increase in gross surface area of the sign or fraction thereof.

(3) For each existing permanent on-site sign of which the copy is altered or changed by painting or replacing sign faces where no increase in height or area occurs, and does not involve structural changes, a sign permit fee of twenty-five dollars shall be paid. This fee shall not apply when a change is made to add an additional face to a single face sign. Further, no permit is required for mere repainting or replacement of a damaged sign face when there is no substantive change or alteration to existing copy and no increase in the height or area of the sign.

(4) For each sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting without first obtaining a permanent sign permit, the fee shall be twice the amount specified above.

(5) For each real estate sign exceeding eight square feet that is erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee shall be fifteen dollars, plus four dollars for each ten square feet in gross surface area or fraction thereof.

**(b) Temporary Sign Permit Fees.**

(1) For advertising decorations permitted by Section 24.04.190 of this code, a temporary sign permit fee of five dollars, plus one dollar for each fifty square feet in gross surface area or fraction thereof, in excess of one hundred square feet gross surface area of all banners, streamers, flags, posters or other advertising devices, shall be paid for each event, with a maximum time limit of thirty days.

(2) For commercial balloon signs requiring a permit, the commercial balloon sign permit fee shall be fifteen dollars for each seven-day permit issued under the requirements of Section 24.04.235. Such commercial balloon permits shall be obtained by a licensed sign hanger.

(3) For all other temporary signs requiring a permit, the temporary sign permit fee shall be five dollars plus one dollar for each fifty square feet, or fraction thereof, shall be paid for each sign, with a time limitation as set forth in this code.

(4) For any temporary sign placed on any property without securing a permit and paying the fee therefore, the fee shall be twice the amount set forth above.

(5) For portable signs permitted by this code, a temporary sign permit of ten dollars shall be paid for each thirty days the sign shall remain on a zoning lot.

**Exception:** Portable signs for which an annual temporary sign permit has been obtained, as set forth in subsection (6) of this section, need not have a separate temporary sign permit; provided, however, the sign company placing any such sign shall notify the office of central inspection of the location of any sign, within twenty-four hours of the placement of the sign, on a form furnished for said purpose.

(6) For portable signs that are individually owned, leased or loaned to any business, institution or individual that are to be located in the city, an annual temporary sign permit shall be obtained for each individual sign. Such annual temporary sign permit shall be one hundred dollars. Any such sign for which said permit is obtained shall bear a decal showing the expiration date of the permit and shall also have the name of the sign owner located on the sign.

(c) Double Fee. The payment of a double fee for failing to obtain the appropriate permit prior to the placement, location, erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting a sign shall not relieve any person from complying with other provisions of this chapter or from the penalties prescribed herein. (Ord. 43-717)

#### **24.04.080 Requirements for maintenance of signs.**

(a) All signs, together with all their supports, braces, connections, anchors and any appurtenance thereto shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean, sanitary and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.

(b) Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected within thirty days upon notice by the superintendent of central inspection, or the sign shall be removed. (Ord. No. 40-963 (part))

#### **24.04.085 Nonconforming signs.**

(a) Any permanent sign in existence on the effective date of the ordinance codified in this chapter (May 4, 1990) which does not conform to the provisions of this chapter, but which was erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations shall be regarded as a nonconforming sign and may continue to exist as a nonconforming sign, except as hereafter provided.

(b) Any permanent sign in existence on December 13, 1974, which did not conform to the then existing provisions of the sign regulations, but which was erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations, shall be regarded as a nonconforming sign and may continue to exist as a nonconforming sign, except as hereafter provided.

(c) The following signs must be removed or conform to all applicable provisions of this chapter within fifteen years from the first date of nonconformance:

(1) Off-site signs which are within six hundred sixty feet of the established bank lines of the Big or Little Arkansas Rivers;

(2) Signs which are projecting over public rights-of-way in a manner not permitted by Section 24.04.200.

(d) Portable signs which do not conform to the provisions of this chapter and for which an annual temporary sign permit had been obtained prior to May 4, 1990, may

continue in their existing locations for the duration of time noted on the permit, and two additional annual permits may be issued for continued use at the same location, but all portable signs must thereafter conform to all applicable regulations of this chapter effective November 14, 1992. (Ord. No. 41-828, 1)

**24.04.090 Signs hereafter rendered nonconforming.**

Any sign which becomes nonconforming subsequent to the effective date of the ordinance codified herein, either by reason of annexation to the city of the zoning lot upon which the sign is located or the amendment of this chapter or any other ordinance so as to render such sign nonconforming, shall be subject to the provisions of this chapter. The period within which any sign required by this chapter to be removed or conformed shall commence to run upon the effective date of the annexation, amendment or the date upon which the sign otherwise becomes nonconforming. (Ord. No. 40-963 (part))

**24.04.100 Alteration and repair of nonconforming signs.**

No alteration or repair shall be made to any nonconforming sign unless such sign is brought into conformance with all applicable regulations, except for the following:

(a) Altering or changing the copy of any off-site sign, and the copy of on-site signs for another business on the zoning lot, and may include replacing the sign panels when no structural modifications of the sign are made, and such alteration does not increase the height or area of the sign;

(b) Structural alterations or repairs to any nonconforming sign shall be limited to signs damaged by fire, explosion, act of God, traffic accident or other similar accident, and when the damage does not exceed fifty percent of its structural value;

(c) Normal maintenance and repairs required by Section 24.04.080 of this code;

(d) Building signs on a multi-tenant structure that become nonconforming on May 4, 1990 because they extend above the height of the roof or parapet may be altered or replaced by all other such sign, on a building facade on which all the other existing building signs for other tenants occupying the building also extend above the height of the roof or parapet. (Ord. No. 40-963 (part))

**24.04.120 Abandoned signs.**

Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty days, or any sign which was erected for an occupant or business unrelated to the present occupant or his business shall be deemed to have been abandoned.

Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed within thirty days after notification by the superintendent of central inspection. (Ord. No. 40-963 (part))

**24.04.130 Removal of signs.**

(a) The superintendent of central inspection shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this chapter which has not been removed within the time period specified in this chapter, or any other sign maintained in violation of the provisions of this chapter. The superintendent of central inspection shall prepare a notice which shall describe the



sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within thirty days, the sign shall be removed in accordance with the provisions of this chapter.

(b) The notice shall be mailed or given to the owner of the sign, or the occupant of the property upon which the sign is located or their employee or representative, or to the owner of the property on which the sign is located as shown on the records of the register of deeds.

(c) In addition, any temporary sign placed on private property in violation of any provision of this chapter may be removed and impounded by the superintendent of central inspection. The superintendent of central inspection shall prepare a notice and specify the violation involved which shall state that if the sign is not removed or the violation not corrected within seventy-two hours, the sign shall be impounded. This notice shall be served upon the owner or agent of such sign and where possible, upon the occupant of the property where the sign is located. Such sign shall be retained by the superintendent of central inspection for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the city. Such sign may be recovered by the owner within thirty days upon payment of a service charge of fifteen dollars per sign.

(d) Notwithstanding the above, in cases of emergency, the superintendent of central inspection may cause the immediate removal of a dangerous or defective sign without notice.

(e) Any person having an interest in a sign or the property on which the sign is located may appeal the determination of the superintendent of central inspection ordering removal or compliance by filing a written notice of appeal. (Ord. No. 40-963 (part))

#### **24.04.135 Appeals.**

Any person may appeal the determination of the superintendent of central inspection as set forth in Section 24.04.130 by filing a notice of appeal.

(a) All appeals, except those in subsection (b), shall be referred by the superintendent of central inspection to the board of code standards and appeals for hearing on the matter in dispute.

(b) All appeals on matters arising under Sections 24.04.190, 24.04.191, 24.04.192, 24.04.193, 24.04.194, 24.04.195, 24.04.196, 24.04.197, 24.04.198, 24.04.221, and 24.04.222 shall be filed with the board of zoning appeals for hearing. The board of zoning appeals is hereby granted jurisdiction to hear such matters in the same manner as all other appeals to such body. (Ord. No. 40-963 (part))

#### **24.04.140 Cost of sign removal.**

Any sign removed by the superintendent of central inspection may be disposed of in any manner deemed appropriate by the city. The cost of abatement or removal shall include any and all incidental expenses incurred by the city in connection with the sign abatement or removal. These costs shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land on which the sign was located in the manner provided by law. (Ord. No. 40-963 (part))

**24.04.150 License to engage in business of sign hanger.**

All persons engaged in the business of hanging signs, which involves in whole or part the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting of signs shall be required to obtain a license from the city to conduct such business. This shall be an annual license and the fee therefore shall be one hundred dollars. (Ord. No. 40-963 (part))

**24.04.160 Bond required.**

No license shall be issued to any sign hanger until a bond shall have been filed with the city clerk in the sum of two thousand dollars, such bond to be approved as to form by the city attorney. Such bond shall be conditioned for the construction and erection of signs in accordance with the ordinances of the city, the provisions of this chapter and the laws of the state, and to protect and save the city harmless from any and all claims or demands by reason of any negligence of the sign hanger or the sign hanger's agents, servants or employees by reason of the erection, demolition, construction, maintenance, repair, removal or defects in or collapse of any sign erected by or under the direction of the sign hanger named in such bond. This obligation shall be a continuing obligation and shall remain in full force and effect until canceled by the principal or surety after having given thirty days' written notice to the city. (Ord. No. 40-963 (part))

**24.04.170 Liability for safe maintenance.**

The granting of a permit by the superintendent of central inspection shall not relieve the owner of the sign or the owner, tenant or lessee of the premises upon which or to which the sign is attached, from the responsibility of safely maintaining such sign. (Ord. No. 40-963 (part))

**24.04.175 Revocation of permits.**

The superintendent of central inspection may revoke any permit under the provisions of this chapter or stop the work or order the removal of any sign for any of the following reasons:

- (a) Whenever there is a violation of any of the provisions of this chapter or any other ordinance relating to signs;
- (b) Whenever the continuance of any work becomes dangerous to life or property;
- (c) Whenever there is any violation of any condition on which the permit was based;
- (d) Whenever, in the opinion of the superintendent of central inspection, the person having charge of such work is incompetent;
- (e) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based;
- (f) Whenever the owner has failed to maintain a sign in conformance with this chapter;
- (g) Whenever the owner has changed the zoning lot to make a sign nonconforming.

The notice to stop work or order for removal of a sign shall be as set forth in Section 24.04.130. (Ord. No. 40-963 (part))

#### **24.04.180 Inspections--Right of entry.**

The Superintendent of Central Inspection or an authorized representative shall inspect all signs regulated by this chapter. He or she may also enter any building or upon any premises at any reasonable time for the purpose of inspection or to prevent a violation of this chapter, upon presentation of the proper credentials. (Ord. No. 40-963 (part))

#### **24.04.185 Classifications and Definitions.**

**1. Classification of Signs.** Signs shall be classified by the superintendent of central inspection in accordance with the following classifications and definitions:

**a. Sign, Advertising Decoration.** Various sign materials used for temporary display and decoration, including streamers, string pennants, pinwheels, bunting and other similar devices; on which no advertising copy, logos, symbols or emblems are printed, painted or attached, and that also comply with Section 24.04.230 of this Code.

**b. Sign, Animated** – A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays.

**c. Sign, Banner.** An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event as referenced in 24.04.190(8); constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner sign to a wall, canopy, posts or stakes.

**d. Sign, Building.** An on-site sign attached to or painted onto a wall, awning, canopy, building or structure or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed the height of the roof or wall parapet, or of any of the following; (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof or (3) three feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign which shall not exceed four feet, six inches above the roof or parapet;

**e. Sign, Bulletin Board.** An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message;

**f. Sign, Commercial Balloon.** An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure on the ground.

**g. Sign, Commercial Flag or Pennant.** An on-site sign on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or any of

the events referenced in 24.04.190(8); and constructed of fabric or any non-rigid material with no fully-enclosing framework, and designed to be attached securely to a permanent pole or post.

**h. Sign, Construction.** A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, financier and similar artisans involved in the design and construction of a structure or project during the period of construction;

**i. Sign, Directional.** A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, restrooms and emergency entrances which are for the convenience of the public;

**j. Sign, Electronic Message** - A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and also enable changes to be made to messages from locations other than at the sign. Electronic message signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second.

**k. Sign, Flashing** – A sign with an intermittent or flashing light source. Generally, the sign's message, copy or flashing pattern is constantly repeated.

**l. Sign, Ground.** A sign placed upon, or supported by, the ground independently of any building or structure on the property

**m. Sign, Identification.** An on-site sign which carries only the name and address of a building, business, development or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol.

**n. Sign, Menu Board** - An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items.

**o. Sign, Monument.** A detached ground sign for which the width of the widest part of the base or pole or pylon cover of the sign is at least one half the width of the widest part of the sign face, or for which the sign or sign cabinet supports consists of visible poles or pylons supporting a sign cabinet or face that is not more than two feet above the average grade of the ground under the sign face.

**p. Sign, Nameplate.** A small on-site sign located at any entrance to a building and indicating the name and/or address of an occupant and, where applicable, a professional status;

**q. Sign, Off-site.** A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon;

**r. . Sign, Off-Site Billboard.** An off-site junior or standard billboard sign. Off-site billboards do not include off-site signs that meet the criteria set forth in Sections 24.04.190.2, 24.04.190.6, 24.04.190.10, 24.04.190.18 or 24.04.251.2.j. of this Code.

**s. Sign, Off-Site Junior Billboard.** An off-site sign with any sign face equal to or less than three hundred square feet in area, and not exceeding thirty feet in total height above adjoining grade.

**t. Sign, Off-Site Standard Billboard.** An off-site sign with any sign face greater than three hundred square feet in area, but not exceeding fourteen feet in height and forty-eight feet in length, plus any allowed extensions.

**u. Sign, On-site.** A sign which carries only a message or advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on

the premises, the rental or lease of products or building space, name of the person, firm or corporation occupying the premises;

**v. Sign, Pole or Pylon.** A detached ground sign whose sign face or cabinet is more than two feet above ground level and is supported by poles, pylons or posts;

**w. Sign, Political.** A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office, or a sign stating a position regarding any issue that has been placed on a ballot for public vote or referendum. Any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

**x. Sign, Portable.** A temporary on-site sign designed in such a manner to be readily movable and not permanently attached to the property; such as, A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such sign shall not exceed a height of ten feet above grade; and shall not exceed sixty square feet per side in gross surface area.

**y. Sign, Project Directory.** An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center or similar project;

**z. Sign, Project Title.** A sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park and similar projects;

**aa. Sign, Projecting.** An on-site sign suspended from, or supported by, a building or structure and projecting there from a distance exceeding one foot beyond the property line;

**bb. Sign, Real Estate.** An on-site sign, excluding any portable sign as defined herein, displayed for the purpose of offering real property for sale, lease or rent;

**cc. Sign, Roof.** A sign erected upon or above the roof of a building or structure that does not meet the definition of a Building Sign;

**dd. Sign, Temporary.** An on-site sign, excluding any banner, commercial flag or pennant, or construction sign as otherwise defined in this Code, that is limited in the period of time that such sign may remain on a property either by the limitations of these regulations or the conditions of the permit;

**ee. Sign, Variable Message.** A sign that includes provisions for, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).

**ff. Sign, Wall.** A sign attached to, erected against, or painted onto a wall of a building with the exposed face of the sign in a plane parallel to said wall;

**gg. Sign, Window.** On-site signs, either temporary or permanent, installed on the window area of a building;

## **2. Definitions.** The definitions set out below are applicable to this chapter:

**a. Abutting** - Abutting means touching or directly contiguous to.

**b. Adjacent** - Adjacent means no farther than one hundred fifty linear feet, unless otherwise provided in a specific section of this Code.

**c. Institution.** The building, group of buildings, or place of confinement or use of an established organization or foundation dedicated to public service, education, or culture, or any church or school.

**d. Owner.** Owner of a sign includes the property owner of record, manager, lessee, designated agent, or any person exercising control over the sign.

**e. Pole or Pylon Cover or Wrap** – An enclosure for concealing and/or decorating poles or other structural supports of a ground or pole sign.

**f. Sign.** Any structure, fixture, banner, flag, pennant, placard or device using text (including letter, word, or numeral), pictorial representation (including illustration, declaration, or figure), emblem (including device, symbol, logo, or trademark), attention attracting device such as strobe lights, flashing lights or beacon lights, or any other thing which is designed, intended, or used to identify, instruct, attract, guide, advertise or inform, any part of which is visible from any adjacent property or public street or highway.

**g. Sign Cabinet** – The structural frame that encloses one or more sign faces.

**h. Sign Structure.** A structure of any kind which is built or constructed and supports or is capable of supporting a sign as defined in this chapter. A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or its cabinet, any structural framework that supports a sign face, or any sign face cabinet.

**i. Zoning District or District.** Zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code as set forth in Title 28 of the Code of the City of Wichita.

**j. Zoning Lot.** A parcel of land that is designed by its owner or developer, at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirement of the above and the requirements of the subdivision rules and regulations, such lot may consist of (1) a single lot of record, (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record. For purposes of this Code, approved Community Unit Plans, Planned Unit Developments or “P-O” Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code, shall be considered as a single zoning lot.

**2.** To the extent they are not inconsistent with this chapter, the definitions adopted for Title 28 of the Code of the City of Wichita, as amended shall apply to the terms used in this chapter. The use of zoning definitions and reference to the zoning code is for purposes of convenience and shall not be deemed to make the sign ordinance or activities or regulation under the sign ordinance as zoning or zoning regulation.

**3.** Signs subject to more than one classification. Whenever a sign could be subject to more than one classification, the superintendent of central inspection shall determine the most appropriate classification and apply all applicable regulations. (Ord. 43-717)

**24.04.190 Signs permitted in all zoning districts.** The following signs shall be permitted in all zoning districts:

**1.** Small directional -site signs, not exceeding six square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, restrooms, freight entrances and the like;

**2.** Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein; provided, that they shall first have been submitted to the director of planning and the superintendent of central

inspection for approval. The markers shall be determined to be in keeping with the general design of the area and the size shall be limited in height and area dependent upon their location on the property;

**3.** Identification signs denoting only the name of the building or building complex when consisting of letters fifteen inches or less in height, carved into or securely attached in such a way that they are an architectural detail of the building or entrance way, and; provided further, they are not illuminated apart from the building or entrance way, are not made of reflecting material and do not project more than two inches from the surface to which they are attached;

**4.** Construction signs with the following limitations:

(a) One sign per street frontage;

(b) Gross surface area per sign - thirty-two square feet "SF-10", "SF-5" and "TF-3" districts, one hundred twenty-eight square feet in all other districts; and

(c) Sign may include illustration of project under construction;

**5.** Real estate sign, advertising the sale, rental or lease of the premises on which it is displayed, with the following limitations:

(a) Any such sign shall be unlighted and all lettering shall be permanently affixed to the sign;

(b) The maximum gross surface area per sign, in all residential zoning districts, except "B" multifamily, is eight (8) square feet; in all other zoning districts, including "B" multifamily, it is forty (40) square feet;

(c) There shall be only one sign per street frontage per listing in "MF-29" multifamily and more restrictive zoning districts, provided, that there shall be no more than two real estate signs per zoning lot in all "MF-29" multifamily and more restrictive zoning districts;

(d) In all zoning districts other than "MF-29" multifamily and more restrictive zoning districts, there shall be no more than two real estate signs per street frontage unless the signs can be separated by a minimum distance of 150'. In no event shall there be more than four real estate signs per zoning lot in zoning districts other than "MF-29" multifamily and more restrictive zoning districts.

**6.** Project title signs for subdivision identification, with the following limitations, unless otherwise indicated in an approved community unit plan:

a. Time period, two years; however, the superintendent of central inspection may grant extensions every six months until all lots in the subdivision are sold provided the sign is adequately maintained,

b. Exclusively for the purpose of advertising the subdivision in which the sign is located, or as governed by subsection i. below,

c. Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials,

d. Permit issued only after the final subdivision plat has been duly recorded; except that a permit may be issued for a property which is governed by an approved community unit plan or for which a preliminary subdivision plat has been approved, for a period of six months, and then may be extended as provided for in subsection a. above if the final plat has been recorded,

e. Located at or near entrances to tract sections under construction,

f. Not more than two sign structures shall be maintained in any one subdivision less than forty acres in size. For each additional forty acres or major fraction thereof, one additional sign may be erected,

g. Area, maximum, two hundred square feet for each sign,  
h. Height maximum, twenty feet,  
i. Up to two project title signs to direct the public to the subdivision may be permitted off-site, subject to the limitations in subsections a, c, d, g, and h above and the following additional limitations:

(1) Must be located on a vacant lot or tract that is at least five hundred feet, and no more than one mile, from the subdivision.

(2) May not be located within one hundred and fifty feet of a residential structure, or from any other sign facing the same direction of travel, or in a location prohibited by Section 24.04.200 of this code.

(3) Off-site project title signs permitted under this subsection are not required to be placed on a single pole.

(4) This provision is not intended to further limit the number or location of off-site signs as established in Subsection 24.04.222 or other sections of this code;

7. Nameplate signs with a maximum area of two square feet;

8. Advertising decoration signs and banner signs shall not exceed a total of 64 square feet. Banner signs shall be limited to one banner per business or location during the hereinafter special event periods. Advertising decoration and banner signs shall only be temporarily displayed during the hereinafter specified special event periods; provided, however, such displays shall not exceed a total time limitation of thirty days for an individual event. Such special events shall be limited to:

- a. Grand openings for new businesses,
- b. Licensed going out-of-business sales,
- c. Open houses in new subdivisions and home shows, and
- d. Sales in conjunction with nationally recognized holidays.

9. Temporary signs in conjunction with licensed miscellaneous sales not to exceed four (4) square feet in area, when located in a residential district, and not on public property;

10. Political signs, when located on private property with the permission of the owner or tenant, provided that all signs shall be removed within seven days following the election in which the issue is decided or a candidate is elected to office or is eliminated from further participation in the election as a candidate;

11. Bulletin board signs for institutional uses only, not exceeding twenty-five square feet gross area, which may be lighted by direct or internal illumination of white light only except that institutions located along designated collector, arterial or expressway streets may have one bulletin board sign for each collector, arterial or expressway frontage, not exceeding forty-eight square feet in size for each sign. **Exception:** Institutions located along designated collector, arterial or expressway streets with two hundred feet or more of frontage along such street may have one bulletin board sign for each collector, arterial or expressway frontage, not exceeding one hundred square feet in size for each sign, or up to two bulletin board signs for which the combined total sign area does not exceed one hundred square feet, and where such signs are separated by a minimum distance of one hundred fifty linear feet.

12. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "SF-10" and "SF-6" family zoning districts only when the home occupation is required to be identified by state law;

13. Portable sign for institutional uses; provided, however, only one portable sign shall be permitted on a zoning lot. Any such sign shall not be located closer than one



hundred fifty feet to any other ground or portable sign, and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the portable sign in relation to the street right-of-way line and the distance from driveway approaches. Any portable sign permitted by this section shall not exceed sixty square feet in gross surface area per side.

**14.** Special event announcement sign, an on-site sign allowed in all districts for the display of messages limited to announcing the birth of a child, birthdays, weddings, wedding anniversaries, or other similar non-commercial events of residents of the property on which the sign is placed, so long as the sign does not exceed fifteen square feet with a maximum height of six feet; is not illuminated; is not mounted on wheels or a trailer; is not placed on public right-of-way; and is not displayed more than four consecutive days on the same zoning lot, nor more than twelve days per year per zoning lot. Banners complying with these same restrictions are also permitted.

**15.** Banner signs, except in the “SF-5” or “SF-10” Single Family or “TF-3” Two-Family zoning districts; provided, however, only one sign shall be permitted for each building elevation, provided that any such building elevation shall be required to have any one of the following:

- a) street frontage;
- b) be adjacent to an “NO” Neighborhood Office, “GO” General Office, “NR” Neighborhood Retail, “LC” Limited Commercial, “GC” General Commercial, “CBD” Central Business District, “OW” Office Warehouse, “IP” Industrial Park, “LI” Limited Industrial or “GI” General Industrial zoning district; or
- c) if adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use. No banner sign shall exceed 30 square feet of gross surface area except as otherwise allowed by Section 24.04.190(8), and shall be securely attached to a building, wall or fence.

**16.** Menu board signs, except in any residential zoning district or any “NO” Neighborhood Office, “GO” General Office, or “NR” Neighborhood Retail zoning district, provided that any ground menu board sign is located no closer to a front property line than the front wall elevation of the principal use structure, and no closer to a rear or side property line than the building or compatibility setback allowed by the Wichita-Sedgwick County Unified Zoning Code or by any Wichita-Sedgwick County Unified Zoning Code special purpose or overlay zoning district standards or requirements. Menu board signs shall be limited to a maximum of two, fifty square foot maximum menu board signs per business, or one maximum one hundred square foot menu board sign per business, for display of menu items, pictures and/or prices. Smaller menu boards of up to six square feet may be located at individual parking stalls without meeting the building or compatibility setback requirements outlined above.

**17.** Commercial flag or pennant signs, except in the “SF-5”, Single Family, “SF-10”, Single Family, or “TF-3” Two Family zoning districts, with the following limitations:

- a) Limited to a maximum area per flag or pennant of twenty-four square feet;
- b) Limited to two flags or pennants for each permanent pole, provided the total area of the flags or pennants does not exceed twenty-four square feet per pole;

c) Limited to a minimum horizontal separation between flag or pennant, or between dual flags or pennants as set forth in item 7.b above, where attached to poles, of fifty feet;

d) Limited to a minimum height of ten feet above adjacent grade at the lowest part of the flag or pennant;

e) Limited to a maximum height of thirty feet above adjacent grade at the highest part of the flag or pennant; and

f) If along an undesignated street which is adjacent to residential use or zoning, every commercial flag or pennant must be set back a minimum of fifty feet from the property line.

**18.** Other signs which the superintendent of central inspection may determine fall within the intent and purpose of this section.

#### **24.04.191 Signs permitted in the "RB," "R-5," "R-6" and "B" residential zoning districts.**

**1.** Identification signs for multifamily dwellings and other major office and institutional uses. Such signs shall not exceed twenty-five square feet in area except along designated collector, arterial or expressway streets where the maximum sign area shall be forty-eight square feet. Said signs shall be no more than twenty feet in height, and shall be limited to indirect or internal illumination of white light only. (Ord. No. 40-963 (part))

#### **24.04.192 Signs permitted in the "U" university district.**

**1.** Ground or pole identification signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of twenty-five feet. Only one ground or pole sign shall be permitted for any office or business; provided, however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of one hundred fifty feet along the street frontage is maintained. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the business shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed one-half square foot per lineal foot of frontage; provided, however, a zoning lot with sixty-four feet or less frontage shall be permitted a sign of thirty-two square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

**2.** Notwithstanding the provisions of Section 24.04.190 of this code, portable signs shall not be permitted.

**3.** Building sign not exceeding thirty-two square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images. (Ord. No. 40-963 (part))

#### **24.04.193 Signs permitted in the "NO" neighborhood office, "NR" neighborhood retail, and "GO" general office districts.**

**1.** Ground or pole identification signs, provided no sign shall exceed thirty-two square feet of gross surface area on a single-tenant zoning lot. Multi-tenant lots sharing the

same sign structure may have up to twenty-four square feet each not to exceed a total of ninety-six square feet on the zoning lot. Sign height shall not exceed twenty-two feet. Only one ground or pole sign shall be permitted for any office or business; provided, however, when more than one business is located on a zoning lot, additional signs may be permitted when a distance separation of one hundred fifty feet along the street frontage is maintained. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the business shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed one-half square foot per linear foot of frontage; provided however, a zoning lot with sixty-four feet or less frontage shall be permitted a sign of thirty-two square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

2. Portable signs shall not be allowed except for institutional uses as specifically set out in Section 24.04.190.

3. Building signs not exceeding thirty-two square feet in area or thirty feet in height, and limited to one per building elevation for each major use in the building, provided that the total amount of building signage for each major use in the building does not exceed thirty-two square feet; and provided that the building elevation to which any sign is to be attached shall have one of the following:

- a) Street frontage;
  - b) Be adjacent to a nonresidential zoning district; or
  - c) If adjacent to a residential zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district.
- Such signs shall be limited to direct or internal illumination of white light only and without flashing or moving images. (Ord. No. 43-013. 1)

#### **24.04.194 Signs permitted in the "G" mobile home district.**

1. Identification sign for a mobile home park. Such sign shall not exceed twenty feet in height or exceed sixty-four square feet in area, and shall be limited to indirect or internal illumination of white light only. (Ord. No. 40-963 (part))

#### **24.04.195 Signs permitted in the "LC" Limited Commercial District.**

- 1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;
- 2. Illuminated building signs; provided that any building elevation on which such sign is placed shall be required to have or comply with any one of the following:
  - a) street frontage;
  - b) be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial zoning district; or

c) if adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use.

The sum of all signs for each business shall be limited in total area to twenty percent of each tenant space elevation with no sign exceeding 400 square feet in area, and there shall be no more than three signs for each tenant or business on each building elevation.

If adjacent to residential use or zoning, building elevations not having street frontage, but facing onto parking or loading areas exceeding fifty feet but less than one hundred fifty feet in depth, may provide identification signs for each place of business having an entrance therefrom; providing such signs shall not exceed fifteen square feet in area nor be more than twelve feet above grade at their highest point;

3. Illuminated off-site signs as permitted by Section 24.04.222;

4. Portable signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for pole and ground signs, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this section shall not exceed sixty square feet in gross surface area or exceed a height of ten feet above grade.

5. Commercial balloon signs as permitted by Section 24.04.235.

#### **24.04.196 Signs permitted in the "C" commercial and "E" light industrial districts.**

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated off-site signs as permitted by Section 24.04.222;

3. Illuminated building signs, provided that signs shall be limited in total area to twenty percent of each building elevation, and no individual sign shall exceed four hundred square feet.

4. Roof signs, except for commercial balloon signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals;

5. Portable signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations; including but not limited to, the area and spacing limitations for pole and ground signs, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this section shall not exceed sixty square feet in gross surface area.

6. Commercial balloon signs as permitted by Section 24.04.235. (Ord. 43-717)

#### **24.04.197 Signs permitted in the "CBD" Central Business District.**

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated building signs, provided that signs shall be limited in total area to 20 percent of each building elevation, and no individual sign shall exceed four hundred square feet in area.

3. Roof signs, except for commercial balloon signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals.

4. Commercial balloon signs as permitted by Section 24.04.235. (Ord. 43-717)

**24.04.198 Signs permitted in the GI General Industrial District.**

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;
2. Illuminated off-site signs as permitted by Section 24.04.222;
3. Illuminated building signs; provided that signs shall be limited in total area to twenty percent of each building elevation, and no individual sign shall exceed four hundred square feet in area.
4. Roof signs, except for commercial balloon signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals. (Ord. 43-717)
5. Portable signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for pole and ground signs, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this section shall not exceed sixty square feet in gross surface area.
6. Commercial balloon signs as permitted by Section 24.04.235.

**24.04.199 Signs permitted in the "OW" office/warehouse and the "IP" industrial park districts.**

1. On-site ground or pole signs shall be allowed under the following provisions:

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

**Exception:** On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and twenty feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of building signs otherwise allowed on the building elevation facing the same street.

One ground or pole sign shall be permitted for any street frontage; provided, however, additional ground or pole signs may be permitted when a distance separation of one hundred fifty feet along the street frontage is maintained between ground or pole signs.

When the distance separation of one hundred fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs.

Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in subsection 1B of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

## TABLE OF AREAS

### Maximum Permitted Areas for On-Site Ground or Pole Signs in "OW" and "IP" Districts

Type of Street*	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	50	0.5
Collector	100	0.5
Arterial	150	0.80
Expressway	150	0.80

**\*As designated on Figure 11 of the 2020 Transportation Plan, an element of the comprehensive plan. Exception: A zoning lot with sixty-four feet or less of linear frontage shall be permitted a ground or pole sign of up to thirty-two square feet of gross surface area.**

**C. Height Limit.** No ground or pole sign shall exceed a height of twenty feet except when the number of permitted ground or pole signs along a street frontage of the zoning lot which is adjacent to an arterial street or expressway, as set forth in subsection 1A in this section, is not utilized. If one or more allowed ground or pole signs along an arterial street or expressway are not utilized, one ground or pole sign along the same arterial or expressway may be increased by five feet in height, or to a maximum of twenty-five feet, provided that the number of businesses on the zoning lot exceeds the number of ground or pole signs otherwise allowed in this section.

**D. Location on Property.** On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

**Exception:** The superintendent of central inspection may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The

reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

2. Portable signs shall not be allowed except for institutional uses as specifically set out in Section 24.04.190.

3. Building signs not exceeding one hundred fifty square feet in area and thirty feet in height above grade, and limited to one per building elevation for each major use in the building; provided that the total amount of building signage per building elevation shall be limited in total area to ten percent of the building elevation, or a total of three hundred square feet, whichever is less. The building elevation to which any sign is to be attached shall have one of the following:

- a) Street frontage;
- b) Be adjacent to a nonresidential zoning district; or
- c) If adjacent to a residential zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district.

4. Any sign permitted by this section shall be limited to direct or internal illumination of white light only. Signs shall not rotate or have flashing or moving images.

5. For industrial parks within "IP" industrial park districts, project title or directory signs for industrial park identification shall be allowed, with the following limitations:

A. Exclusively for the purpose of advertising the industrial park in which the sign is located;

B. Direct or internal illumination of white light only or reflective or luminous materials. Signs shall not rotate or have flashing or moving images;

C. Not more than one project title or directory sign structure shall be maintained in any one industrial park less than forty acres in size. For each additional forty acres or fraction thereof, one additional project title or directory sign may be erected.

D. Maximum area shall be as shown in subdivision 1B of this section under the table of areas "maximum area of individual sign in square feet," regardless of amount of linear street frontage.

E. Maximum height of project title or directory signs shall be twenty feet.

F. Project title or directory signs must be separated by a minimum distance of three hundred thirty feet from any other project directory or title sign for the industrial park, and by a minimum distance of one hundred fifty feet from any other on-site pole or ground sign within the industrial park.

6. For purposes of this section, "street frontage" shall be the linear feet of street frontage directly adjacent to an adjoining street or street right-of-way from which there is direct, legal vehicular access to the zoning lot. In determining street frontage, one-half the width of an adjoining alley may be considered as frontage. (Ord. No. 43-013. 2)

#### **24.04.200 Prohibited locations--General requirements.**

(a) Obstructing Windows, Doors, Etc. No sign shall be placed or erected across or so as to obstruct in any way any window, door, exit or entrance or, to or from any building, whether occupied or not, but this provision shall not prohibit placing a sign across a transom. No sign of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape, nor shall any sign be attached to any fire escape.

**(b) Interfering with Public Safety and Convenience.** No sign shall be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, or maintained in any way that will interfere with public safety and convenience or with the proper and convenient operation of the fire department for protection of property.

**(c) Across Streets or Alleys.** No sign shall be suspended or constructed across any street or alley, except as provided in this chapter.

**(d) Use of Public Property.** No sign, except as provided in Section 24.04.230 (g), shall be supported in any way by public property. No sign shall project over public right-of-way except projecting signs permitted on buildings located within eight feet of a right-of-way line. No part of any projecting sign extending over any public property shall be less than ten feet from the surface immediately below, except signs not exceeding four square feet in area and not projecting more than two feet may be hung not less than eight feet from the surface of the public property immediately below. No part of any sign permitted to extend over any alley or public roadway, however, shall be less than fifteen feet from the surface immediately below. In no case shall the outer edge of a projecting sign extend closer to the vertical plane of a street curb than two feet, unless the bottom of such sign is thirteen feet, six inches or more from the sidewalk immediately below. Any permit for a sign over public property issued under the provisions of this chapter, or any previous ordinance, shall be revocable at the will of the city council, upon notice and opportunity for hearing.

**(e) Interfering with Traffic.** No sign of any kind shall be erected or maintained in such a manner as to interfere with, mislead or confuse traffic or to obstruct the line of sight of any traffic signal, or traffic device as may be determined by the traffic commission.

**(f) Near Residences.** No off-site sign shall be located within fifty feet of a residential structure.

**(g) Close to Rivers, Parks.** No off-site sign shall be located closer than six hundred sixty feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, to any park or recreation area under the jurisdiction of any public body including the board of park commissioners of the city.

Off-site signs may be erected within six hundred sixty feet of the established bank lines of the Big Arkansas or the Little Arkansas Rivers or of any such park or recreation area when such off-site signs are located in athletic field facilities owned or operated by a public body.

**(h) Near Highways.** No off-site sign shall be located closer than six hundred sixty feet to any portion of the existing or designated right-of-way of State Highway K-96 between Interstate 135 and the east city limits.

**(i) Near Driveway Approach.** No ground sign exceeding a height of three feet, permanent or temporary, shall be located within a triangle, the sides of which are formed by the property line, the edge of the driveway as extended from the street, and a line from a point on the property line twenty-five feet from the driveway to a point on the edge of the driveway six feet behind the property line. (Ord. No. 40-963 (part))

**(j) Posting on Utility Poles.** Except as authorized by Section 24.04.040 (2) and temporary signs erected by public utilities placed on such utility poles, no sign, notice, poster or other paper or device calculated to attract the attention of the public shall be posted on any lamppost, public utility pole, or traffic control device located in the public right of way.  
(Ord. 45-322)



#### **24.04.210 Removal of signs placed upon public property.**

(a) Any unauthorized temporary sign placed upon public property including public rights-of-way, or upon any lamppost, public utility pole or traffic control device located within the public right of way is declared to be a public nuisance. The superintendent of central inspection or any other individual authorized by this section, shall cause its removal in the manner provided for by this section.

(b) Any temporary sign, bill, advertisement or notice posted or placed on public property in violation of this title may be torn down or removed by any law enforcement officer, any deputy under the supervision of the superintendent of the office of central inspection, any personnel of public works and any health officers under the supervision of the director of the Department of Environmental Health.

(c) Any temporary sign removed pursuant to subsection (b), which is six square feet or larger and composed entirely of metal or wood shall be kept by the superintendent of central inspection or other department designated to remove such sign for a period of twenty days, after which it may be disposed of in any manner deemed appropriate by the City. All other signs removed pursuant to subsection (b) may be disposed of in any manner deemed appropriate by the City.

(d) Any such metal or wooden sign removed pursuant to subsection (b) may be recovered by the owner within twenty days upon payment of a service charge of twenty-five dollars (\$25.00) per sign.

(Ord. 45-322)

#### **24.04.220. General requirements.**

The signs regulated by this chapter shall be subject to all applicable ordinances, conditions and special requirements as may be specified herein.

(a) All signs shall comply with the appropriate detailed provisions of Title 18, building code, relating to the design, structural members and connections.

(b) All signs shall comply with the applicable provisions of Title 19, electrical code, and subject to the permits required therein.

(c) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this chapter.

(d) No signs, except for commercial flag or pennant signs, shall be erected that will allow the sign to swing or rotate due to wind action. All signs shall be securely fastened so that movement in any direction is prevented.

(e) Every sign, except for advertising decoration, banner and commercial flag or pennant signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.

(f) No ground or pole sign of combustible material shall be erected closer to a property line or to a building than the distance required by the building code for type VN construction, except for temporary signs.

(g) Structures of all signs and sign structures shall be fabricated of noncombustible materials and supported by concrete foundations or anchored with metallic connections to the supporting structure. All electrically illuminated signs shall be constructed as set forth in the electrical code; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the superintendent of central inspection.

**(h)** Wall signs shall not extend beyond the top or ends of the wall surface on which the sign is placed without the approval of the superintendent of central inspection.

**(i)** No projecting sign shall be erected closer to an adjacent property than the distance the sign projects from its support. All projecting signs shall be constructed entirely of incombustible material.

**(j)** Signs erected on, attached to or made a part of a canopy or marquee projecting over public right-of-way shall be considered projecting signs.

**(k)** Roof signs shall be constructed of incombustible material and shall be so located as not to interfere with the drainage of the roof, or to prevent access onto any portion of the roof. A permit for any roof sign shall be issued only after compliance by the applicant with the following provisions:

The applicant shall give a bond in the sum of five thousand dollars to save and hold the City free and harmless from all damages which may be occasioned by the erection and maintenance of such sign; the bond is to be signed by the sureties acceptable to the city and to be approved as to form by the city attorney.

In lieu of this bond of five thousand dollars for each roof sign permitted under this section, it shall be permissible to file with the city a blanket surety bond to cover all roof signs erected and maintained by a person within the city. Such bond shall be such nature as to cover such roof sign erected and maintained, in the amount of five thousand dollars. Such blanket surety bond shall be conditioned to save and hold the city free and harmless for any and all damages, claims or demands which may be occasioned by the erection and maintenance of such sign. Such bond shall be signed by sureties acceptable to the City and shall be approved as to form by the city attorney.

**(l)** Each sign, except temporary signs for which permits have been issued for thirty days or less, shall have the name of the sign owner affixed to the sign in a manner approved by the superintendent of central inspection.

**(m)** Gross Surface Area of an On-Site Sign. The gross surface area of a sign shall be the sum of all surface areas of all the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed three feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface of a sign, each face of a sign may be broken down into two areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such sign when they do not form an integral part of the display, nor shall it include either: (i) architectural embellishments when such do not contain any advertising or printed copy, are not lighted and do not exceed ten percent of the permitted sign area; or (ii) a sign pole or pylon cover or aesthetic wrap when such does not contain any advertising or printed copy and is not internally lighted.

**(n)** Limitations. Limitations apply to the type, height, setback, number, and gross surface area of signs on each zoning lot.

**(o)** Height of Sign. Sign height shall be measured from grade at the base of the sign to the highest portion of the sign structure.

**(p)** Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located any residential district or upon any public street. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible and within two hundred feet of any residential district, shall

not be illuminated between the hours of eleven p.m. and seven a.m. Signs may not be illuminated unless so designated to permit same.

**(q) Flashing or Moving Signs.** No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in a residential zoning district, or in the "NO" Neighborhood Office district, "GO" General Office district, "NR" Neighborhood Retail district, "OW" Office/Warehouse district, or the "IP" Industrial Park district.

**(r) Facing Direction of Travel.** A sign shall be considered facing the direction of travel when it is visible from any lane of traffic proceeding along a street and the face of such sign is a plane within thirty degrees of a line perpendicular to the centerline of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the thirty degrees as described above.

**Exception:** A sign located within two hundred fifty feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the line of traffic it is more directed toward providing the face of the sign is in a plane within thirty degrees of a line perpendicular to the centerline of that street.

**(s) Distance Between Off-Site Signs.** Distance between off-site signs facing a direction of travel shall be measured at the centerline of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.

**(t) No portion of a sign that is located within the triangle formed by the imaginary intersection of curb lines at the intersection of two streets, and extending for a distance of fifty feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten feet to grade of adjacent roadway surface.**

**(u)** Any sign authorized in this ordinance is allowed to contain noncommercial copy in lieu of any other copy.

**(v)** Alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites subject to the community unit plan regulations found in the Unified Zoning Code in accordance with procedures set forth therein.

#### **24.04.221 Specific regulations--On-site ground or pole signs as referred to in subsections 24.04.195, 24.04.196, 24.04.197, and 24.04.198.**

**1. Number Permitted.** The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has frontage on more than one public right-of-way or street, the provisions of this section shall apply to each frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street. (Exception: signs located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a rotating sign or be erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage). Every zoning lot shall be permitted one ground or pole sign. Whenever more than one on-site ground or pole sign is permitted, it shall be determined by the required minimum horizontal distance from any adjacent property line and the minimum horizontal distance between on-site ground or pole signs on the zoning lot as set forth in subsection six of this section. This will permit two signs on an interior zoning lot of one hundred eighty feet or more, and two signs on a corner lot of one hundred sixty-five feet or more. For each additional one hundred fifty feet of frontage above these minimums, one

additional sign may be erected. In determining lot frontage, one-half the width of an adjoining alley may be considered as frontage.

**EXCEPTION:** Whenever a zoning lot of less than three hundred thirty feet of frontage, contains a greater number of separate lease hold tenants than the number of permitted on-site ground or pole signs as set forth above, the following provisions may apply:

a. No individual business shall be permitted more than one on-site ground or pole sign, nor in any event, shall the distance between signs be less than seventy-five feet.

b. No individual business shall install a sign with a gross surface area greater than that permitted by the "Table of Areas" set forth in subsection 4 of this section based on that frontage of the building occupied by the lease hold tenant. Whenever the building is more than one story, the frontage shall be divided by the number of floors involved.

c. Whenever the number of permitted on-site ground or pole signs based on the seventy-five foot separation requirement does not allow one sign per business, it shall be necessary for tenants to share space on the same pole or base.

d. Any sign permitted by this exception shall not exceed a height of thirty feet.

2. Size Permitted. The size of an on-site sign shall not exceed the maximum permitted square feet of sign area as set forth in the "Table of Areas" of subdivision 4 of this section; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the total square feet of area along a street frontage as permitted by subdivision 4 of this section.

3. Height Limit. No ground or pole sign shall exceed a height of twenty-five feet except when the number of permitted signs along a street frontage of the zoning lot, as set forth in paragraph one, is not fully utilized. For each sign that is not utilized along a street frontage, one sign may be increased five feet in height. The use of this method shall not permit any sign to exceed a height of thirty-five feet. Unused signs otherwise permitted along an undesignated street shall not be used to increase the height of a sign on another street frontage on the same zoning lot.

4. Maximum Area. The maximum permitted area of an individual ground or pole sign shall not exceed the square feet shown in the following table; provided, however, under no circumstance shall the total sign area of all ground or pole signs on a zoning lot exceed the area per lineal foot of street frontage adjacent to said street right-of-way. (Exception: When only one sign is permitted by the frontage of a zoning lot, it shall be permitted an area of one hundred square feet when adjacent to an arterial or expressway; fifty square feet when adjacent to a collector street; or twenty-five square feet when adjacent to an undesignated street.)

**See Table of Areas Next Page**

## TABLE OF AREAS

### MAXIMUM PERMITTED AREAS FOR ON-SITE GROUND OR POLE SIGNS

Type of Street*	Total Permitted Area Maximum Area of Individual Sign in Square Feet	in Square Feet of All Signs per Lineal Foot of Street Frontage
Undesignated**	50	0.5
Collector***	150	0.5
Arterial	300	0.80****
Expressway	300	0.80****

**\* As designated on Map IV A & B of the transportation plan element of the comprehensive plan.**

**\*\* When an undesignated street is located in an area such that both sides of the street, between intersecting streets, are zoned entirely of the commercial or industrial districts, the limitations of a collector street shall then apply. Undesignated street frontage shall not be used to increase the size of signs permitted in other streets bordering the same zoning lot.**

**\*\*\* When a collector street is located in an area such that both sides of the street, between intersecting streets, are zoned entirely of the commercial or industrial districts, the limitations of an arterial street shall then apply.**

**\*\*\*\* 1.0 square feet per lineal foot for multi-tenant lots with less than 330 feet of frontage.**

**5. Rotating Signs.** Rotating ground or pole signs are permitted only in commercial or industrial districts.

**6. Location on Property.** On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance of one hundred fifty feet, along the same street frontage from another ground or pole sign on the same zoning lot. (See exception in subsection 1 of this section.) This shall apply to all on-site ground or pole signs within thirty-five feet of the street right-of-way line. **(Exception:** The superintendent of central inspection may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.) (Ord. No. 40-963 (part))

**24.04.222 Specific regulations - Off-site signs when permitted in the “LC” Limited Commercial, “GC” General Commercial, “LI” Limited Industrial or “GI” General Industrial districts.**

1. Special Review Approval Required. New off-site billboard signs, or replacement off-site billboard signs that increase the height or size of an existing off-site sign, that are closer in distance to residentially-zoned and platted lots on which residential structures may be legally erected or to residential structures than set forth in Section 24.04.222.4.d, must obtain a Special Review Approval as outlined in Section 24.04.225 of this Code.

2. Number permitted. The number of off-site signs, facing a direction of travel within any designated mile, shall be determined by the linear measurement in feet, along the centerline of the street right-of-way, that is within or adjacent to any “LC” Limited Commercial, “GC” General Commercial, “LI” Limited Industrial or “GI” General Industrial zoning district; provided, however, such signs shall only be permitted in the zoning districts as set forth in Sections 24.04.195, 24.04.196 and 24.04.198 of this chapter. Except in the “GC”, “LI” or “GI” zoning districts, no zoning district shall be considered for linear measurement unless it is adjacent to an arterial street or expressway. No zoning district or zoning shall be considered for linear measurement if it is included within an approved Community Unit Plan, Planned Unit Development, P-O Protective Overlay or Protective Overlay District, except when such Community Unit Plan, Planned Unit Development, P-O Protective Overlay or Protective Overlay District specifically allows off-site billboard signs. For purposes of measurement, zoning shall be considered to extend to the centerline of all streets. A designated mile shall be the length of the centerline of a street between mile section lines, even though the linear measurement may exceed five thousand two hundred eighty feet. Any mile not covered entirely by city boundary shall be treated on a percentage basis. The number of signs allowed shall be in direct proportion to the percentage of the designated mile that lies within the city limits boundary. There shall be permitted not more than one off-site sign facing a direction of travel, for each five hundred linear feet of street having “GC”, “LI” or “GI” zoning adjacent thereto, provided however, under no circumstances shall there be erected more than five off-site signs facing a direction of travel in a designated mile in the “GC” and “LI” zoning districts, and eight per mile in the “GI” zoning district, and; provided further, whenever any off-site sign is to be located in the “LC” limited commercial district the following shall be applicable.

Off-site billboard signs may be permitted in the “LC” limited commercial district, but only when a designated mile has at least fifteen hundred linear feet of “LC”, “GC”, “LI” or “GI” zoning adjacent thereto. When there is at least three thousand linear feet of appropriate zoning adjacent to a designated mile, a second off-site billboard sign may be permitted. When there is at least forty-five hundred linear feet of appropriate zoning adjacent to a designated mile, a third off-site billboard sign may be permitted.

Whenever an off-site billboard sign is located on an “LC” zoning lot that abuts or faces the direction of travel along a designated arterial street, such off-site billboard sign must meet the criteria for an off-site junior billboard sign. Extensions beyond the three

hundred square foot sign face area maximum for sign faces of an off-site junior billboard in an “LC” zoning district are not allowed. When off-site billboard signs are located on “LC” zoning lots that abut or face the direction of travel along a designated arterial street, no more than two off-site billboard signs may be permitted within a designated mile in “LC” zoning districts.

3. Maximum Size and Height Permitted. In or upon “LC”, “GC” General Commercial, “LI” Limited Industrial or “GI” General Industrial zoning districts or lots, the gross surface area of an off-site billboard sign face facing the direction of travel shall not exceed eight hundred twenty-five square feet, including any extensions. Extensions may not extend more than five and one-half feet above the normal upper rectangular lineage of the face, nor more than two feet beyond any of the other three sides. Maximum rectangular dimensions of any off-site billboard sign face, excluding extensions, shall be fourteen feet in height by forty-eight feet in length. No off-site billboard sign, sign structure or sign cabinet shall exceed thirty feet in height at the top of the maximum rectangular dimension, which does not include the permitted extensions.

In or upon “LC” Limited Commercial zoning districts or lots, the gross surface area of any off-site sign face facing the direction of travel along a designated arterial street shall not exceed three hundred square feet, and shall meet the criteria for an off-site junior billboard sign. No extensions beyond the maximum three hundred square foot sign face area are allowed for off-site junior billboard signs located in or upon “LC” zoning districts or lots. In the “LC” zoning district, no off-site sign shall exceed thirty feet in height at the top of the sign, sign structure or sign cabinet.

**Exceptions:** Off-site billboard signs, sign structures or sign cabinets located adjacent to an elevated portion of a highway structure may be erected to a maximum height of fourteen feet above the top of the railing or barrier along the traffic deck. Off-site signs that cantilever over the roof or roof parapet of a one-story building shall maintain eight feet of vertical clearance between the bottom of the sign and the roof or parapet and shall not exceed twenty-six feet in height above the roof or parapet. For purposes of enforcement, no off-site sign permit for additional height above a roof or roof parapet shall be issued until the building over which the off-site sign is to be cantilevered has been erected.

4. Prohibited Locations. No off-site billboard sign shall be erected on a property when any of the following conditions exist:

a. No off-site billboard sign shall be erected on a zoning lot, of less than one hundred fifty feet of frontage, that has more than two on-site ground or pole signs totaling more than two hundred fifty square feet gross surface area facing a direction of travel that are located within thirty-five feet of the street right-of-way line.

b. No off-site billboard sign shall be erected that would obscure the view of any on-site sign. This shall be determined by establishing a sight point at the centerline of the street one hundred fifty feet in either direction, then no on-site sign within one hundred fifty feet of the off-site sign shall be obscured from view.

c. No off-site billboard sign shall be erected within three hundred thirty feet of another off-site sign facing the same direction of travel along the same street.

d. Except as permitted by Section 24.04.225, no off-site billboard sign shall be erected closer than 300 feet from a platted and residentially-zoned lot on which a primary residential structure can be legally erected or to a residential structure. This distance shall be measured from the nearest lot line of such platted and residentially-zoned lot or residential structure to the closest part of the off-site billboard sign. This minimum distance may be reduced to 150 feet when any platted and residentially-zoned lot or residential structure is fully screened from view of the proposed off-site billboard sign by a non-residential building. Such view shall be from the closest minimum building setback line (as established for residentially-zoned lots in the Wichita-Sedgwick County Unified Zoning Code) of the residentially-zoned lot or residential structure.

**EXCEPTION:** Any off-site billboard sign with a sign face or faces facing the direction of travel along a highway or freeway may not be erected closer than 300 feet, measured perpendicular to the sign face or faces, or within a 150 foot radius of such sign face, faces or sign structure, to any platted and residentially-zoned lot on which a primary residential structure can be legally erected, or to a residential structure. If the billboard sign is located within a 300' radius of a residentially-zoned lot or structure, the structural elements supporting the sign face or faces shall be screened from view of the residentially-zoned lot/s or structure/s by panels of earth tone colors on which no advertising is applied.

e. No off-site billboard sign shall be located on any property in the "LC" limited commercial zoning district that is not a part of at least three hundred continuous feet (linear measurement) of commercial or industrial zoning.

f. No off-site billboard sign shall be located closer than six hundred sixty feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, or to any park or recreation area under the jurisdiction of any public body including the Board of Park Commissioners of the city.

Off-site billboard signs may be erected within six hundred sixty feet of the established bank lines of the Big Arkansas or Little Arkansas Rivers or any such park or recreation area when such off-site signs are located in athletic field facilities owned or operated by a public body.

5. Setback. Off-site billboard signs shall comply with all building setback lines.

6. Type. Off-site billboard signs may be ground or pole or wall signs, but shall not be erected upon or over the roof of any one story building except as provided in Subsection 3 of this Section. Each off-site billboard sign may contain only one panel per facing with a message or advertisement; however, this panel or a portion thereof may be a variable message sign. No off-site billboard pole signs may be supported by more than one pole.



**24.04.225 - Special Review Approval for Off-Site Billboard Sign Permits.** This section sets out the required Special Review procedures for new or enlarged off-site billboard signs.

**1. Authority.**

(a) An application for a permit for installation of a new or enlarged (size or height) off-site billboard sign located closer to a residentially-zoned lot or use than allowed by Section 24.04.222.4.d of this code shall require a public hearing and approval by the Planning Commission or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council.

(b) The Metropolitan Area Planning Commission (MAPC) is hereby designated and granted authority to hear and make recommendations on off-site billboard signs under this Section. In exercising such authority and functions, the MAPC shall operate under the Sign Code for the City of Wichita (Chapter 24.04) and neither under the Unified Zoning Code nor any zoning statutes. The MAPC shall use its by-laws and other procedures and rules now existing or hereafter amended in such matters.

**2. Initiation.** An application for a new or enlarged off-site billboard sign shall be filed upon request of both the owner(s) of the subject property on which the off-site sign is to be located and the owner of the proposed sign.

**3. Application.** A complete application for a new or enlarged off-site billboard sign shall be submitted to the Planning Director in a form established by the Director, along with a nonrefundable fee that has been established by the Wichita City Council to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Each application for a new or enlarged off-site billboard sign shall be accompanied by a site plan that, at a minimum, includes the following information:

- a. A detailed graphic presentation of the subject property site, including property parcel dimensions;
- b. The location of any other buildings or structures on the site;
- c. The location, size and type of any other ground signs on the site;
- d. The distance of the proposed sign from any buildings, structures or other signs on the site;
- e. A detailed representation of the proposed sign, including sign structure and sign face dimensions, total height of the sign, and any related appurtenances such as catwalks.

**4. Establishment of hearing date, publication of notice.**

a. Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, and shall notify the applicant of the meeting and hearing date. The initial public hearing before the

Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days notice.

b. Notice required pursuant to this section shall be published in the official newspaper and shall indicate the time and place of the public hearing and a general description of the application. The subject property shall be designated by legal description or a general description sufficient to identify the property under consideration.

c. Notice required pursuant to this section shall be mailed to all owners of record of real property within the area covered by the application and to all owners of record of real property within at least 200 feet of the property lines of the parcel or lot on which the proposed billboard sign is to be located. The written notice required herein shall be placed in the mail with the postmark to be not less than 20 days prior to the date of the public hearing.

d. The Planning Director shall also submit the application to the appropriate District Advisory Board for review and recommendation when requested or required under the policies of Chapter 2.61 of the Code of the City of Wichita.

**5. Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed application for a new or enlarged off-site billboard sign in light of the general requirements of the Wichita Sign Code (Chapter 24.04) and that addresses the following additional elements as they may be appropriate for the review of the application:

- a. The zoning, uses and character of the neighborhood;
- b. The suitability of the subject property for the proposed off-site sign;
- c. The conformance of the requested off-site sign to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City;
- d. Opposition or support of neighborhood residents;
- e. A consideration of the recommendations of professional staff.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

The Planning Director shall provide a copy of the report to the Planning Commission in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five days before the scheduled Planning Commission hearing.

**6. Action by the Planning Commission.** The Planning Commission, in a public hearing, shall review the proposed new or enlarged off-site billboard sign for compliance with the requirements outlined in subsection 5 of this Section. In the course of such review, the Planning Commission may approve modifications to the application and/or site plan as a condition of approval of the off-site sign. Based on that review, the

Planning Commission shall act to approve, approve with conditions or modifications, or deny the application for a new or enlarged off-site billboard sign. This provision specifically contemplates that it may be necessary for the Planning Commission to attach additional special conditions to a proposed approval in order to ensure that it complies fully with the criteria of this Code. This action by the Planning Commission shall be the final action on the off-site billboard application except when any one or more of the following exist: (1) the applicant appeals the action of the Planning Commission; (2) one or more valid protest petitions are filed opposing the action of the Planning Commission; or (3) an appeal is filed by anyone with standing to appeal, which shall include the applicant; the Planning Director; the Zoning Administrator; the Wichita City Council; or any owner of land located in the City of Wichita that is within 200 feet of the application area and property in question.

When any one or more of these exceptions exist, the Planning Commission's action shall be in the form of a recommendation that is forwarded to the Wichita City Council for final action. Protest petitions and appeals shall be filed within 14 days of the conclusion of the Planning Commission hearing pursuant to the jurisdiction notice. If the Planning Commission fails to make a recommendation on an off-site billboard sign request, or its motion results in a tie vote, the Planning Commission shall be deemed to have made a recommendation of disapproval.

**7. Action by the Wichita City Council.** If the off-site billboard sign application is forwarded to the Wichita City Council for one of the reasons listed in Section 24.04.225.6 above, along with the Planning Commission's recommendation and any District Advisory Board recommendation, the City Council shall consider the application(s) and may, at its discretion, hold a public hearing. The off-site billboard application may be approved, approved with conditions or modifications, or denied by the City Council. In acting on the application, the City Council may:

- a. Adopt the Planning Commission's recommendation;
- b. Override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the City Council; or
- c. Return such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

If the City Council returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the City Council following the Planning Commission's next regular meeting after receipt of the City Council's report, the City Council shall consider such course of inaction on the

part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. If the City Council approves the application or the application as modified or with conditions, the Superintendent of Central Inspection shall issue a permit to the applicant consistent with the action of the City Council.

#### **24.04.230 Temporary signs.**

No temporary sign shall be placed on any property without first obtaining a temporary sign permit as required by Section 24.04.050. Such permit shall be subject to the following requirements:

- (a) No temporary sign shall exceed one hundred twenty-eight square feet in area, except as permitted in subsection (g) of this section.
- (b) No temporary sign shall extend over or into any street, alley or sidewalk or other public right-of-way except for those attached to permanent canopies or marquees. No temporary sign suspended from or attached to a canopy or marquee shall extend closer to the sidewalk than seven feet.
- (c) Temporary signs shall be limited to on-site signs.
- (d) All temporary signs shall be substantially constructed and adequately weighted or anchored to prevent movement or overturning by the wind.
- (e) All temporary signs of rigid construction exceeding seventy-two square feet, and all temporary signs on private structures over any public right-of-way shall be erected, affixed or placed by a licensed and bonded sign hanger.
- (f) A permit for a temporary sign shall be subject to all applicable regulations and the sign for which the permit was secured shall be removed within twenty-four hours of the expiration of the permit.
- (g) Temporary Signs on Private Structures Over Public Space. Permits for the placing of temporary signs, upon privately owned structures, located over or upon public streets, alleys or other public spaces, may be issued for not to exceed thirty days, subject to the following requirements:
  - (1) The applicant shall submit a signed statement from the owner, agent or lessee of the structure, granting permission for the erection of the sign.
  - (2) The sign shall not be over two hundred square feet in area or exceed five feet in its least dimension.
  - (3) The owner of the sign shall file with the city clerk a surety bond approved as to form by the city attorney, for each sign in the amount of fifteen thousand dollars, or any other equivalent security the city council may approve, to save and hold the city free and harmless from all damages which may be occasioned by the erection and maintenance of such sign.
  - 4) The advertising contained on the sign shall pertain to events of a public or semipublic nature, or civic or charitable enterprises.
- (h) Electrified portable signs shall not be connected to any electrical power source except during the hours of the business for which the sign is located is open.
- (i) Electrical lines for portable signs shall not be permitted to lay on the ground where vehicular traffic is permitted. Use of extension cords for portable or temporary signs is prohibited.

(j) Temporary signs shall be removed from a property for not less than thirty days at the end of the maximum time period as set forth in this chapter before another temporary sign can be located on a property. (Ord. No. 40-963 (part))

#### **24.04.235 Commercial Balloon Signs.**

Commercial balloon signs as permitted in the zoning districts as set forth in Sections 24.04.195, 24.04.196, 24.04.197 and 24.04.198, shall be permitted with the following limitations:

a) Commercial balloon signs shall be limited to one balloon sign per zoning lot at any given time.

b) Commercial balloon signs shall be limited to a maximum of 160 square feet in area as measured at the largest cross-section.

c) Commercial balloon signs shall be limited to seven-day permits issued no more than four (4) times per calendar year through the Office of Central Inspection.

d) Commercial balloon signs shall be limited in height to a maximum of forty-five above grade when mounted or tethered on a roof or structure, and to twenty-five feet above grade when mounted on or tethered to the ground.

e) Commercial balloon signs shall be located no closer than one hundred feet to the nearest lot line of any SF-6, SF-10, SF-20, or TF-3 zoning district.

f) Commercial balloon signs must be anchored and/or tethered in accordance with the commercial balloon sign manufacturer's recommendations.

g) Commercial balloon signs must be deflated and properly secured when wind speeds exceed forty miles per hour or the manufacturer's maximum wind speed, whichever is less.

h) Commercial balloon signs shall be located no closer than five hundred feet to any hospital helicopter landing pad.

i) Commercial balloon signs shall be located in accordance with all applicable Federal Aviation Administration regulations.

j) Any gas used in commercial balloon signs must be non-combustible.

k) Commercial balloon signs shall be fire retardant.

l) Commercial balloons signs shall be located no closer than the height of the commercial balloon plus ten (10) feet from any electric power transmission line. (Ord. 43-717)

#### **24.04.240 Special displays.**

Decorative displays used for holidays, public demonstrations or for the promotion of civic welfare or charitable enterprises may be authorized by the city manager or the city council. Such displays shall be for a stated period of time and subject to such conditions as deemed advisable to protect the health, safety and welfare of the public. This may require the applicant to furnish a bond, approved as to form by the city attorney in such an amount and with such sureties to save and hold the city free and harmless from all damages which may be occasioned by the erection and maintenance of such sign or display. (Ord. No. 40-963 (part))

#### **24.04.250 Variances.**

The board of zoning appeals is hereby granted authority to authorize in specific cases a variance from the specific terms of this chapter which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and provided that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Variances under this chapter shall be granted under the same procedures and conditions as set forth in Section 2.12.590 (B). (Ord. No. 40-963 (part))

#### **24.04.251. Sign Code Adjustments.**

1. Authority. The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve applications for Sign Code Adjustments.

2. Types of Adjustments Allowed. Sign Code Adjustments shall be limited to the following:

- a. Reducing the minimum allowed distance required between on-site ground, monument or pole signs by up to one-third;
- b. Increasing the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs, by up to twenty percent;
- c. Increasing the maximum allowed size of individual building or wall signs or of the total allowed building sign wall elevation coverage by up to twenty percent;
- d. Increasing the maximum number of allowed building or wall signs per any elevation by up to one (1) in the NO, GO, NR, OW or IP zoning districts, or up to two (2) such signs per any elevation in the LC zoning district.
- e. Reducing the minimum allowed depth of parking, loading or open space area required in the LC zoning district for building or wall signs on elevations not having street frontage;
- f. Allowing structurally altered legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced;
- g. Allowing legal non-conforming off-site pole, ground or monument signs to be structurally altered to an extent exceeding fifty percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty percent of the of the sign's structure, at their existing base or pole structure location provided the number of main support poles or pylons are reduced to a single support pole or pylon, or the extent of non-conforming sign height or sign size is reduced;
- h. Increasing the maximum allowed height of ground, monument or pole signs for on-site or off-site signs located within seventy-five feet of a zoning lot line that directly abuts the right-of way of an elevated portion of a highway structure to a height at the top of the sign that does not exceed twenty feet above the height of the top of the highest railing or barrier along the traffic deck or decks within the right-of-way at a point perpendicular to the sign.

**i.** Allowing variable message or electronic message signs for institutional uses located in any residential zoning district, or in any “NO”, “GO”, “NR”, “OW” or “IP” zoning districts.

**j.** Allowing “off-site” signs that do not exceed one hundred square feet in area or twenty-five feet in height, provided that the sign for the business being advertised is located on a zoning lot that abuts or is adjacent to the zoning lot on which the advertised business is located, and on which the proposed “off-site” sign would otherwise be allowed by the “on-site” sign regulations set forth in Sections 24.04.193, 24.04.199 or 24.04.221.

**k.** Increasing the maximum distance that an off-site project title sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i.(1), by up to twenty-five percent (25%).

**3.** For signs not located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO), or located within a CUP, PUD or PO wherein the CUP, PUD or PO provisions and/or conditions refer only to signs as allowed or permitted by the Sign Code, the applicant requesting a sign adjustment may file a variance request to the Wichita Board of Zoning Appeals pursuant to Art. V.G of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied, or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any variance request.

**4.** For signs located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO) wherein the CUP, PUD or PO provision and/or conditions set forth specific sign requirements for the CUP, PUD or PO, the applicant requesting a sign adjustment may file an amendment to the CUP, PUD or PO pursuant to Art. V.C or V.E of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any amendment request.

**5.** Appeals of approved sign adjustments by other than the sign adjustment applicant and/or property owner may be taken to the Wichita Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals’ secretary within the time limit specified by the rules of the Wichita Board of Zoning Appeals, and in accordance with Art. V.F of the Wichita-Sedgwick County Unified Zoning Code.

**6.** Sign Code Adjustment criteria. The Planning Director shall not approve a Sign Code Adjustment if the Planning Director finds that the proposed development:

**a.** Creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;

**b.** Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height or size, number of signs, sign bulk and scale, or minimum allowed depth of parking, loading or open space area required;

**c.** Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the immediate vicinity for reasons specifically articulated by the Planning Director.

**Appeals from the Wichita Board of Zoning Appeals.** Any person, official or governmental agency dissatisfied with the decision of the Wichita Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Wichita Board of Zoning Appeals.

**24.04.260 Penalty for violation of chapter, rule or order.**

(a) Any person violating any of the provisions of this chapter or any reasonable rule or order of the superintendent of central inspection, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or both such fine and imprisonment.

(b) The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. (Ord. No. 40-963 (part))

**24.04.270 Amendments.**

Any amendments to Sections 24.04.190 through 24.04.198 inclusive and Sections 24.04.221 and 24.04.222 of this code shall be forwarded to the Wichita-Sedgwick County Metropolitan Area Planning Commission for their review and comment. (Ord. No. 40-963 (part))

**24.04.280 Severability.**

If any section or provision of this chapter is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this chapter which shall remain valid to the extent possible. (Ord. No. 40-963 (part))

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon publication once in the official paper.

ADOPTED at Wichita, Kansas, this 5th day of Nov, 2004.

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Carlos Mayans, Mayor

ATTEST:

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Karen Scholfield, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law



